

[Counsel listed on next page]

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

CYNTHIA BROOKS, and JACOB SWOYER)
on Behalf of Themselves and All Others)
Similarly Situated,)
Plaintiffs,)
v.)
U.S. BANK, N.A.,)
Defendant.)

Case No. C12-4935 EMC (JSC)
[Assigned for all purposes to the Honorable
Edward M. Chen]

**STIPULATION REGARDING FILING OF
PRELIMINARY APPROVAL MOTION;
[PROPOSED] ORDER**

Complaint Filed August 21, 2012

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19 Attorneys for Defendant
20 U.S. BANK, N.A.

1 Plaintiffs CYNTHIA BROOKS and JACOB SWOYER (collectively “Plaintiffs”) and
2 Defendant U.S. BANK, N.A. (“Defendant”) (collectively “Parties”) hereby stipulate as follows:

3 **WHEREAS**, on September 23, 2013, the Parties informed the Court that they expected to
4 enter into a written settlement agreement and would submit a motion for preliminary approval of that
5 settlement, and therefore requested that certain case deadlines be continued and/or stayed (Dkt. 40);

6 **WHEREAS**, the Parties continue to work toward finalizing a written settlement, and believe
7 they are very close to the final form of an agreement, which they will submit for preliminary
8 approval with the Court;

9 **WHEREAS**, Defendant’s counsel has informed Plaintiffs’ counsel that a further draft will be
10 exchanged by close of business on December 16, 2013;

11 **WHEREAS**, the Court has previously set a filing date for the preliminary approval motion
12 of December 12, 2013 and a hearing date of February 6, 2014 at 1:30 p.m.;

13 **WHEREAS**, the Parties agree that the filing date of December 12, 2013 is not feasible, and
14 jointly request that the filing date be changed to December 19, 2013;

15 **WHEREAS**, a filing date of December 19, 2013, is still more than 35 days prior to the
16 hearing date of February 6, 2014;

17 **NOW, THEREFORE**, the Parties hereby stipulate to and request an Order setting forth the
18 following:

- 19 1. Plaintiffs will file a Motion for Preliminary Approval of the proposed settlement no later
20 than December 19, 2013; and
- 21 2. There will be no change in the scheduled hearing date for Plaintiffs’ Motion for
22 Preliminary Approval, set for February 6, 2014.

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1 Dated: December 12, 2013

Dated: December 12, 2013

2 /s/ Harvey Sohnen
3 By: Harvey Sohnen

/s/ Joan B. Tucker Fife
By: Joan B. Tucker Fife

4 *Pursuant to N.D. Cal. L.R. 5-1(i)(3), the filer*
5 *attests that concurrence*
6 *in the filing of this document has been obtained*
7 *from the above signatory.*

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ORDER

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: December ¹⁶____, 2013

